

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION**

UNITED STATES OF AMERICA ex rel.
White, et al.,

Plaintiffs-Relators,

v.

RITE AID CORPORATION, et al.,

Defendants.

Case. No. 21-cv-01239

Judge Charles E. Fleming

JOINT STIPULATION AND PROPOSED ORDER

Plaintiffs-Relators Andrew White, Mark Rosenberg, and Ann Wegelin (“Plaintiffs-Relators”) and Defendants Rite Aid Corporation (“RAC”),¹ Rite Aid Hdqtrs. Corp., Rite Aid of Alabama, Inc., Rite Aid of Connecticut, Inc., Rite Aid of Delaware, Inc., Rite Aid of Florida, Inc., Rite Aid of Georgia, Inc., Rite Aid of Illinois, Inc., Rite Aid of Indiana, Inc., Rite Aid of Kentucky, Inc., Rite Aid of Maine, Inc., Rite Aid of Maryland, Inc., Rite Aid of Massachusetts, Inc., Rite Aid of Michigan, Inc., Rite Aid of New Hampshire, Inc., Rite Aid of New Jersey, Inc., Rite Aid of New York, Inc., Rite Aid of Ohio, Inc., Rite Aid of Pennsylvania, Inc., Rite Aid of South Carolina, Inc., Rite Aid of Tennessee, Inc., Rite Aid of Vermont, Inc., Rite Aid of Virginia, Inc., Rite Aid of Washington, D.C., Inc., Rite Aid of West Virginia, Inc., Thrifty Payless, Inc., Thrifty Corporation, Eckerd Corporation, Maxi Drug North, Inc., Maxi Drug South, L.P., Maxi Drug, Inc., Brooks Pharmacy, Inc., Genovese Drug Stores, Inc., Apex Drug Stores, Inc., and Perry Drug Stores, Inc. (“Defendants”) have reached the following agreements subject to the approval of the Court.

¹ By entering into this stipulation, Defendants do not waive, but instead preserve, any and all arguments and defenses they may have, including as to jurisdiction.

WHEREAS, on January 6, 2021, Plaintiffs-Relators filed a 256 page, 847 paragraph Second Amended Complaint (the “Second Amended Complaint”) against Defendants;

WHEREAS, on June 5, 2023, Defendants agreed to waive service in this action and must file and serve an answer or a motion under Rule 12 within 60 days from May 24, 2023;

WHEREAS, under Local Rule of Civil Procedure 16.1(b), there has not yet been a Case Management Conference in this action and the case has not been assigned to a track;

WHEREAS, the parties have conferred and agreed that, based on the breadth and complexity of the issues and claims raised in the Second Amended Complaint, additional pages in their briefs will allow them to prepare the most helpful memoranda to assist this Court in effectively and efficiently considering these significant issues;

WHEREAS, Defendants intend to file a motion to dismiss on behalf of all Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval of the Court, as follows:

1. The memorandum in support of Defendants’ Motion to Dismiss may not exceed forty (40) pages;
2. Plaintiffs-Relators’ memorandum in opposition to Defendants’ Motion to Dismiss may not exceed forty (40) pages; and
3. The reply memorandum in support of Defendants’ Motion to Dismiss may not exceed twenty (20) pages.
4. The page limits above do not include the cover page, table of contents, table of authorities, signature blocks, or certificates of service.

IT IS SO STIPULATED.

Dated: July 7, 2023

BARON & BUDD

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Attorneys for Defendants

* Admitted *pro hac vice*

SO ORDERED:

Charles E. Fleming
United States District Judge

Date: _____